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10/591,505	10/09/2007	Gerhard Hirmer	016894-03201	2331

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EXAMINER
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JACKSON, MONIQUE R

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1787

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/591,505	Applicant(s) HIRMER ET AL.	
	Examiner Monique R. Jackson	Art Unit 1787	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5-7, 12-15, and 22 are objected to because of the following informalities: the term "between from" should probably be "between" or "from" and not the two terms combined. Appropriate correction is required.
2. Claim 16 is objected to because of the following informalities: "or" on line 2 should be "and" in order to be in proper Markush claim format. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "the molar ratio of metal:polyvinylpyrrolidone" in line 2. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "relatively thin electrode layer" in claim 20 is a relative term which renders the claim indefinite. The term "relatively thin" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Hence, it is unclear how thick or thin the "relatively thin" electrode layer needs to be in order to be considered "relatively thin", relative with respect to what?

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6. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 recites the limitation "the multi-layer thin film composite of Claim 1". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-13 and 16-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Chivukula et al (USPN 6,066,581.) Chivukula et al teach a multilayer ferroelectric thin film composite and a method of making the film composite comprising coating a precursor sol-gel composition comprising an organic solvent, organic metallic compounds and optionally other organics added as firing additives or to adjust surface tension and viscosity to allow a layer with a controlled thickness to be spin-coated or dip-coated onto a substrate to form thin or thick layers, as required, depending upon a particular application; wherein suitable applications for the composite include ferroelectric capacitors, on a substrate as required (Entire document; particularly Abstract; Col. 11, lines 61-Col. 12, line 38.; Col. 13.) Chivukula et al teach that non-uniformities in the coating may occur due to inadequate control of the viscosity or surface tensions of the organic solutions and cracking may occur as a result of stress and defects generated during the heating phase, and that known surface tension and viscosity modifiers such as glycols utilized in similar sol-gel processes can be added to the sol-gel precursor composition

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wherein Chivukula et al specifically teach that polyvinylpyrrolidone (PVP) and polyethylene glycol are known viscosity modifiers and/or firing additives utilized in the production of similar sol-gel precursor compositions (Col. 3, lines 9-15; Col. 4, lines 18-45; Col. 6, lines 29-62; Col. 7, lines 4-31; Col. 9, lines 29-31; Col. 11, lines 23-35.) Chivukula et al teach that multiple layers can be formed by depositing a first layer on the substrate by spin coating the precursor solution on the substrate, heating the first layer, then depositing subsequent layer(s) and heating again until the desired thickness is obtain, followed by annealing at a temperature of preferably 450°C to 700°C to induce crystallization of the film; wherein a film thickness for each single coat is on the order of 90nm and thicker films of up to 10 micron can be built up from the multiple thin coatings (Col. 9; Col. 17; wherein upon annealing the organic components are burnt off resulting in a porous structure.) Chivukula et al teach that suitable organometallic materials can be selected such that the resulting film layers comprise the same dielectric or ferroelectric materials as instantly claimed including lead zirconate titanate (PZT), lead lanthanum zirconium titanate (PLZT) and barium strontium titanate (BST); wherein Chivukula et al specifically teach a preferred ratio of Zr:Ti of 20:80 to 80:20, preferably 60:40, in the PZT (Entire document; particularly Col. 14, lines 5-14; as in instant Claims 9-12.) Chivukula et al teach that the substrate may be a semiconductor wafer such as a silicone wafer or a metal-coated wafer such as platinum coated wafer, and that in forming the capacitors, top electrodes can be formed by platinum or gold (Entire document; particularly Examples.)

9. Hence, considering the instant claims do not exclude the “buffer layer”, “first dielectric thin film layer” and “second thin film layer” from being formed from the same materials, the Examiner takes the position that the invention taught by Chivukula et al reads upon the claimed

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invention wherein the first thin film or initial film layers taught by Chivukula et al is/are equated to the claimed "buffer" layer, the next two or subsequent layers are equated to the "first dielectric thin film layer" formed from "several" layers, and the remaining film layer(s) or final surface layer is equated to the "second thin layer", specifically three or more layers, built up to the desired thickness, with the thicknesses reading upon those claimed, particularly given that the only claim reciting thickness ranges for all three layers, Claim 22, fails to exclude additional layers from being incorporated in the composite film and fails to recite an overall thickness for the composite film.

10. Claims 1-13, 16-18, 20, and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakamaki et al (USPN 6,247,799.) Sakamaki et al teach a ferroelectric element comprising a ferroelectric film formed on a substrate without cracks, wherein the film is formed from sol-gel precursor solution comprising a metal alkoxide, an organic solvent, and a polymeric binder such as polyvinyl pyrrolidone added to increase the viscosity of the solution (Entire document; particularly Abstract; Col. 4, line 19-Col. 5, line 23.) Sakamaki et al teach that the precursor composition can be coated onto the substrate repeatedly and then annealed to produce a thin-film ferroelectric element having the desired thickness (Col. 5, line 5-Col. 6, line 17.) Sakamaki et al teach that preferred examples of the ferroelectric material is not particularly limited and includes ceramics such as PZT, PLZT and lead magnesium niobate (PMN) and is preferably provided as a thin film having a thickness of submicron thickness for use as a memory or capacitor, or several tens of microns such as 10 to 20 microns for an actuator wherein the thick films are produced without cracking (Entire document; particularly Col. 5, lines 33-45; Col. 10, lines 18-60.) Sakamaki et al teach that the viscosity of the precursor solution can be adjusted

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to provide a layer of the desired thickness wherein a viscosity of about 30cps yields a film layer of about 40nm thick, and a viscosity of about 200cps yields a film layer of about 1 micron thick; and preferably no more than 10 layers are successively formed on the substrate and then fired at a temperature of preferably about 500°C to 900°C, more preferably about 700°C to 800°C (Col. 9, lines 33-58; Col. 10.) Sakamaki et al further teach PZT having a ratio of Pb:Zr:Ti:O of 1:0.53:0.47:3 which reads upon the claimed PZT formula (Col. 10, lines 61-66; Examples.) Sakamaki et al teach the use of quartz and platinum substrates but also teach that the selection range of substrate or electrode materials to be provided on both ends or sides of the ferroelectric element can be broadened since a relatively low firing temperature can be utilized (Col. 1, lines 11-38; Examples.)

11. Hence, considering the instant claims do not exclude the “buffer layer”, “first dielectric thin film layer” and “second thin film layer” from being formed from the same materials, the Examiner takes the position that the invention taught by Sakamaki et al reads upon the claimed invention wherein the first thin film or initial film layers taught by Sakamaki et al is/are equated to the claimed "buffer" layer, the next two or subsequent layers are equated to the “first dielectric thin film layer” formed from “several” layers, and the remaining film layer(s) or final surface layer is equated to the "second thin layer", specifically three or more layers or up to the 10 layers as taught by Sakamaki, built up to the desired thickness, with the thicknesses reading upon those claimed, particularly given that the only claim reciting thickness ranges for all three layers, Claim 22, fails to exclude additional layers from being incorporated in the composite film and fails to recite an overall thickness for the composite film.

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12. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al (US 2003/0128496.) Allen et al teach dielectric structures particularly suited for use in capacitors and a method for producing the structures wherein a polymeric material or removable porogen is dispersed in a dielectric material, preferably ceramics and metal oxides like BST and PZT, formed into a thin film from a sol-gel precursor solution, with the removable porogen added in an amount to provide the desired texture or porosity, and then the polymer or porogen is removed from the film during a heating and/or annealing step to form pores or voids in the thin film, thereby increasing adhesion to subsequently applied conductive layers (Entire document; particularly Abstract, Paragraphs 0017-0023, 0033, 0035, and 0044-0048.) Allen teaches that the sol-gel precursor solution comprises an organometallic compound, a solvent and the porogen and can be applied to a substrate by either dip-coating or spin-coating using multiple coatings to provide a film with the desired increased thickness, wherein each coating is heated from 200 to 600°C to volatilize the organic species and then further annealing the final film at a temperature of 600 to 900°C to crystallize the film (Paragraph 0019-0022.) Allen et al teach that suitable polymer porogens include polyimides, (meth)acrylamide polymers, polymers of nitrogen-containing compounds, polybenzoxazoles, and PEG as utilized in Example 15, as well as those disclosed in cited references (Paragraphs 0038-0039.) Though Allen et al do not specifically teach a polymeric heterocyclic amide as the porogen, the Examiner takes the position that the final end product as recited in Claim 26 would be the same product taught by Allen et al given that upon heating and annealing the organic components including the polymeric heterocyclic amide are burnt off resulting in a porous structure and hence are not present in the final ferroelectric thin film capacitor of Claim 26.



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***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chivukula et al. The teachings of Chivukula et al are discussed above. Though Chivukula et al teach that the metal oxide composite may comprise niobium or niobates as well as tantalum, Chivukula et al do not specifically teach the bismuth niobate or tantalite composites as claimed. However, one having ordinary skill in the art at the time of the invention would have been motivated to utilize routine experimentation to determine the optimum metal compounds or organometallic compounds to utilize to provide the desired dielectric properties for a particular end use wherein bismuth and zinc are conventional, obvious metals or metal dopants utilized in the art and would have been obvious to one having ordinary skill in the art at the time of the invention given the predictable results and reasonable expectation of success.

15. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamaki et al. The teachings of Sakamaki et al are discussed above. Though Sakamaki et al teach that a bottom and a top electrode can be provided on both sides of the ferroelectric element, teaching the use of a platinum top electrode formed on the upper surface or final layer of the ferroelectric element, Sakamaki et al do not specifically teach the top electrode materials as claimed. However, the claimed metals or conductive materials are obvious, functionally equivalent electrode materials

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to platinum utilized in the art and would have been obvious to one having ordinary skill in the art at the time of the invention.

16. Claims 1-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al in view of You et al (USPN 6,271,273) or Allen et al (USPN 6,420,441, hereinafter referred to as Allen et al '441.) As discussed above, Allen et al teach a method of producing dielectric structures particularly suited for use in capacitors wherein the method is similar to the claimed method with the exception of the type of polymeric material utilized to produce the porous thin layer. Allen et al teach that suitable polymer porogens can be formed by various polymeric materials including (meth)acrylamide polymers, polymers of nitrogen-containing compounds, PEG as in Example 15 and nitrogen-containing heterocyclic polymers like polybenzoxazoles (Paragraphs 0038-0039) but do not specifically teach a polymeric heterocyclic amide, or particularly PVP as claimed. However, Allen et al further teach that suitable polymeric porogens may also be those as disclosed in You et al (Col. 9, line 60-Col. 10, line 15) or Allen et al '441 (Col. 6, lines 23-46) wherein the polymer of the nitrogen-containing compounds include vinyl-pyrrolidone as a suitable nitrogen-containing monomer to be polymerized as well as other heterocyclic amides and hence one having ordinary skill in the art at the time of the invention would have been motivated to utilize any of the polymeric porogens taught by You et al or Allen et al '441, including crosslinked vinyl pyrrolidone polymers or PVP, in the invention taught by Allen et al given the teachings of Allen et al that such polymeric porogens are suitable for the invention. Further, it is also noted that Allen et al teach that the thickness of the dielectric thin films is dependent upon the viscosity of the precursor solution and given that PVP is a conventional, known viscosity modifier in the art, the use of PVP in the dielectric precursor

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taught by Allen et al as an organic viscosity modifier which would also be removed during heating and annealing would have been obvious to one having ordinary skill in the art at the time of the invention. With regards to the remaining method claims, Allen et al teach that the capacitor structure comprises first and second conductive layers and a multilayer dielectric structure disposed between the conductive layers, wherein the multilayer dielectric structure has at least one of the top and bottom layers or surfaces textured by the removable polymeric material, preferably both the top and bottom layers are textured (Paragraphs 0017 and 0027.) Allen et al teach that the preferred dielectric structure comprises a top dielectric layer, a bottom dielectric layer, and a middle dielectric layer wherein the middle dielectric layer can be a single layer or a plurality of layers, and when multiple dielectric layers are utilized, each of the dielectric layers may be the same or different (Paragraphs 0028-0029.) Allen teaches that the sol-gel precursor solution comprises an organometallic compound or precursor of the dielectric material, a solvent and the porogen and can be applied to a substrate by either dip-coating or spin-coating using multiple coatings to provide a film with the desired increased thickness, wherein each coating is heated from 200 to 600°C to volatilize the organic species and then further annealing the final film at a temperature of 600 to 900°C to crystallize the film (Paragraph 0019-0022.) Allen et al teach that the dielectric oxide materials may be those as instantly claimed including BST and PZT having a formula that reads upon the instantly claimed formula of Claims 12-13 (Paragraph 0015.) Allen et al teach that the thickness of the film is a function of the rotation rate and viscosity of the precursor solution wherein the thickness is at least 100nm, more typically at least 250nm, and still more typically at least 500nm, and that the maximum thickness may be determined by the number of sol-gel layers deposited onto the substrate

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(Paragraph 0023.) Allen et al teach that the dielectric layers may be of uniform thickness or varying thickness and that exemplary dielectric layers may have a thickness of 0.01 to 100 microns (Paragraph 0031.) Allen et al teach that the electrodes may be deposited on the dielectric structures having the textured surface and may be copper, gold, silver, nickel, or palladium (Paragraph 0052) and that the substrate to be coated may be the bottom electrode material or a metal layer wherein the bottom electrode materials read upon the claimed metal substrate materials (Paragraph 0025, Paragraph 0052, and Examples.) Hence, one having ordinary skill in the art at the time of the invention would have been motivated to utilize routine experimentation to determine the optimum number of layers and individual layer thickness to produce the dielectric structure taught by Allen et al for a particular end use wherein the individual layer thicknesses and overall thickness can be within the ranges taught by Allen et al which read upon those claimed. With respect to Claims 14-15, though Allen et al teach various doped titanates and niobates as well as ceramics and metal oxides in general that have suitable electrical properties for use as a capacitor dielectric, Allen et al do not specifically teach the bismuth doped metal oxides or titanate or niobate as instantly claimed. However, one having ordinary skill in the art at the time of the invention would have been motivated to utilize routine experimentation to determine the optimum metal compounds or organometallic compounds to utilize to provide the desired dielectric properties for a particular end use wherein bismuth and zinc are conventional, obvious metals or metal dopants utilized in the art and would have been obvious to one having ordinary skill in the art at the time of the invention given the predictable results and reasonable expectation of success.

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17. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (*Self-buffered  $Ba_xSr_{1-x}TiO_3$  films by sol-gel and RF magnetron sputtering method*) in view of Chivukula et al or Sakamaki et al. Zhang et al teach a multilayer ferroelectric thin film composite comprising a thin BST buffer layer of about 50nm formed from a sol-gel precursor composition comprising a solvent and an organometallic compound deposited on a substrate such as Pt/Ti/SiO<sub>2</sub>/Si substrate, and a BST film fabricated on the buffer layer wherein the BST film is Ba<sub>0.8</sub>, Sr<sub>0.2</sub>TiO<sub>3</sub> having a total thickness of 0.5 or 0.8 microns (500 to 800nm), built up from individual layers having a thickness of about 40nm and formed from a sol-gel composition also comprising a solvent and an organometallic compound (Entire document; Particularly Experimental procedure; Results and discussion.) Zhang et al teach that the coated wet films are baked and then annealed at a temperature of 760°C (Experimental procedure.) Though Zhang et al teach the formation of a thin buffer layer of about 50nm from a precursor composition and then a 500nm or 800nm multilayer dielectric thin film layer, of about 12 or 20 individual layers based upon individual layers of about 40nm in thickness, formed on the buffer by another precursor composition, Zhang et al do not teach that any of the precursor compositions further comprise a polymeric heterocyclic amide or more specifically PVP as instantly claimed, or PEG as claimed. However, as discussed above, Chivukula et al teach that PVP may be added to the sol-gel precursor composition as a viscosity modifier and Sakamaki et al also teach that PVP can be added to sol-gel precursor composition as film-forming polymer material or viscosity modifier to prevent cracking. Further, it is well established in the art, as taught by Chivukula et al, that PEG is a conventional firing additive or viscosity modifier utilized in the art and would have been obvious to one having ordinary skill in the art at the time of the invention. Hence, one

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having ordinary skill in the art at the time of the invention would have been motivated to incorporate PVP and/or PEG into the sol-gel precursor compositions taught by Zhang et al to adjust the viscosity and prevent cracking in thicker films as taught by Chivukula et al and Sakamaki et al, wherein upon heating and annealing would be removed and the resulting films would be porous, and utilizing routine experimentation to determine the optimum metallic or organometallic compounds, and number of layers and layer thickness to provide the desired dielectric or ferroelectric material for a particular end use, given the predictable results and reasonable expectation of success, wherein the claimed dielectrics and ferroelectric compounds are conventionally utilized in the art and would have been obvious to one skilled in the art at the time of the invention.

### ***Double Patenting***

18. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

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*Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

19. Claims 1-27 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/590918. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one having ordinary skill in the art at the time of the invention to combine dependent claim limitations and incorporate additional layer(s) to obtain a film having the desired thickness for a particular end use, wherein each layer is capable of reading upon the other and being formed from the same composition.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monique R Jackson/  
Primary Examiner, Art Unit 1787  
September 19, 2010